

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
Plaintiff,)
NO. CR-04-0270-WFN-1
CR-92-0260-WFN-1
-vs-)
ORDER
ROBERT VANCE ZORNES,)
Defendant.)

Pending before the Court is Mr. Zornes' pro se Motion to Modify Supervised Release. Mr. Zornes requests that the terms of his supervised release be modified to permit him to drink alcohol in moderation. He alleges that the Court made a clerical error when mandating that he not consume alcohol as a condition of his release. The Court clarifies that it did not err. However, court staff discussed Mr. Zornes' request with United States Probation Officer David McCary who indicated he had no objection to the requested modification.

Additionally, Mr. Zornes requests appointment of a new attorney. He indicates that he has not received a response from his attorney after several attempts to contact him. The Court notes that Mr. Johnson was appointed for the limited purpose of pursuing an appeal. Mr. Dan Johnson filed an affidavit summarizing progress on the case and indicating that he wrote a letter to Mr. Zornes on August 30, 2007. If Mr. Zornes continues to have difficulties contacting the Mr. Johnson regarding his appeal, he may renew his motion for new counsel.

The Court has reviewed the file and Motion and is fully informed. Accordingly,

IT IS ORDERED that:

1 1. Mr. Zornes Motion to Modify Supervised Release, filed August 27, 2007, **Ct. Rec.**
2 **59**, is **GRANTED**.

3 2. Special condition of release number 17 (seventeen), prohibiting consumption of
4 alcohol, is **STRICKEN**.

5 3. Mr. Zornes shall continue on all other previously imposed conditions of supervised
6 release.

7 The District Court Executive is directed to file this Order and provide copies to counsel
8 **AND TO** United States Probation Officer David McCary.

9 **DATED** this 4th day of September, 2007.

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12 09-04

s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE